

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

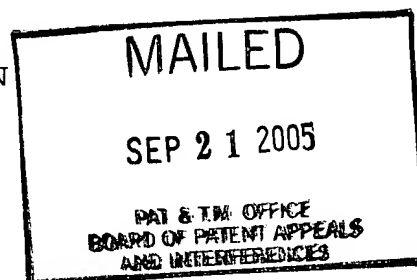
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS G. WOOLSTON

Appeal No. 2004-1471
Application 09/166,779

ON BRIEF



Before JERRY SMITH, BARRETT, and LEVY, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

ORDER REMANDING TO EXAMINER

This case is presently before the Board of Patent Appeals and Interferences. The Board rendered a decision in this case on January 28, 2005. Appellant filed an appeal of the Board's decision to the Court of Appeals for the Federal Circuit on March 4, 2005. Subsequent to this appeal, the appellant and the

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Solicitor of the United States Patent and Trademark Office agreed that the case would benefit from further prosecution before the examiner. Accordingly, the appellant and the Solicitor filed a Joint Motion To Dismiss with the Court of Appeals for the Federal Circuit. This motion was granted by the Court.

Accordingly, it is

ORDERED that this application is remanded to the examiner for further proceedings consistent with the agreement between appellant and the Solicitor.

REMANDED

Jerry Smith
JERRY SMITH

JERRY SMITH
Administrative Patent Judge

Lee E. Barrett

LEE E. BARRETT
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

STUART S. LEVY

STUART S. LEVY
Administrative Patent Judge

JS/dal

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